

**To:** McKim, Krista[mckim.krista@epa.gov]  
**Cc:** Pellegrini, Janet[pellegrini.janet@epa.gov]  
**From:** Hess, Catherine  
**Sent:** Thur 7/25/2013 7:06:05 PM  
**Subject:** RE: surface coal mining - post mining limits under Rule 7

We have a Memorandum of Agreement with the Indiana DNR, Division of Reclamation. They are our eyes and ears for much of the coal mine permit activities. Whenever we get a request for a drainage status change, we contact DNR for their approval or concurrence that what the applicant is telling us is true and valid. I'm pretty sure that both the bond release and the revegetation are part of the criteria, but I'm not certain what degree of revegetation they specify. I have forwarded your question to their office to obtain the criteria that they use. Since the DNR inspectors typically visit these sites several times per year, we rely on them very heavily for the coordination of our permitting activities.

Let me know if you have further questions.

Catherine

**From:** McKim, Krista [mailto:mckim.krista@epa.gov]  
**Sent:** Thursday, July 25, 2013 11:25 AM  
**To:** Hess, Catherine  
**Cc:** Pellegrini, Janet  
**Subject:** surface coal mining - post mining limits under Rule 7

Hi Catherine,

I'm wondering if you could answer a question for us on how IDEM considers that a discharge is eligible for the post mining limits under Rule 7. I think I understand from reading rule 7 that a permittee would have to submit an NOI letter if they would like a change to the drainage status to be made, and I think that this is referring to, for instance, a change in an outfall's status from active mining to post mining.

I'm wondering though, what information is required of the permittee to be granted the change in

status. Some states require bond release. The ELG's require that revegetation has commenced, which is how IN's definition for post mining reads in Rule 7. How does IDEM know if revegetation has commenced? Do you require only that it has commenced or do you require that vegetation has been established to some degree? How does the permittee prove to IDEM that revegetation has commenced? Is there an inspection conducted, or some sort of certification made on the part of the permittee?

From Rule 7:

**327 IAC 15-7-2 Definitions:**

(15) "Post mining area" means either of the following:

(A) A reclamation area.

(B) The underground workings of an underground coal mine after the extraction, removal, or recovery of coal from its natural deposit has ceased and prior to bond release.

(17) "Reclamation area" means the surface area of a coal mine which has been returned to required contour and on which revegetation (specifically, seeding or planting) work has commenced.

**327 IAC 15-7-5**

(d) An amended NOI letter containing the information required in 327 IAC 15-3 and subsection (a) shall be submitted for

active or post mining areas and coal preparation plants and associated areas prior to initiating one (1) of the following events:

(1) A point source discharge is added or deleted.

(2) A change is made in mine drainage status to a point source discharge.

Thank you very much for your time in assisting with this!

Krista

Krista McKim, PE

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